

REMARKS

Claims 1-13 were pending in the application. Claims 4, 5, 9 and 10 have been amended. Claims 1-3 and 8 have been canceled. Claims 14-17 have been added. Therefore, claims 4-7 and 9-17 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

Applicants appreciate the acknowledgement of the claim for foreign priority and of the Information Disclosure Statements filed July 17, 2003 and December 12, 2003. The objection to claim 1 is moot due the cancellation of claim 1.

Claim Rejections**Claim 4**

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,237,938 (“Boxey”). Claim 4 is also rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0080541 A1 (“Kalandek”). The rejection of claim 4 should be withdrawn at least because Boxey and Kalandek, taken separately or together, fail to disclose, teach or suggest the elements of claim 4. For example, neither reference discloses, teaches or suggests “a mooring section formed by a bend or curved section of the guide member...an upper section extending upward from the mooring section and slanting toward the rear of the vehicle as the upper section extends upwardly; and a vertical portion extending upward from the upper section,” as recited by claim 4. Boxey merely discloses an inflatable curtain and anchor device with an element (54) that slides along a track (52) and is attached to the C pillar of a vehicle. The track includes latch teeth (92) which prevent the element (54) from returning upward. The anchoring device and track are straight. *See* Boxey at Figs. 1-4. Kalandek merely teaches an external tether guide for slidingly receiving and supporting an airbag. The guide may be a rod (70, 12) which “can be mounted in a generally vertical orientation.” Kalandek at ¶ 19. However, Kalandek does not include “an upper section extending upward from the mooring section and slanting toward the rear of the vehicle as the upper section extends upwardly; and a vertical portion extending upward from the upper section,” as recited by claim 4. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 5-7, 11 and 12

Claims 5-7, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boxey in view of U.S. Patent No. 5,951,046 (“Hosoda”).

Claims 5-7, 11 and 12 now depend from claim 4. As discussed above, Boxey fails to disclose, teach or suggest the elements of claim 4. Hosoda fails to cure the deficiencies of Boxey. Hosoda merely discloses a construction for attaching a seat belt adjuster to a vehicle, so the adjuster body can be temporarily fixed to a vehicle body pillar. Hosoda discloses locking portions (5, 11, 12 or 13) which lock to a hole (7) formed in a pillar (6). Hosoda fails to disclose, teach or suggest “a mooring section formed by a bend or curved section of the guide member...an upper section extending upward from the mooring section and slanting toward the rear of the vehicle as the upper section extends upwardly; and a vertical portion extending upward from the upper section,” as recited by claim 4. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 5-7, 11 and 12.

Claims 5-7 and 9-13

Claims 5-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalandek in view of Hosoda.

Claims 5-7 and 9-13 now depend from claim 4. As discussed above, both Kalandek and Hosoda, either separately or together, fail to disclose, teach or suggest “a mooring section formed by a bend or curved section of the guide member... an upper section extending upward from the mooring section and slanting toward the rear of the vehicle as the upper section extends upwardly; and a vertical portion extending upward from the upper section,” as recited by claim 4. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 5-7 and 9-13.

New claims 14-17 depend from claim 4 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in these dependent claims.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 CFR §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/17/2004

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